

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER GOMEZ,

Plaintiff,

v.

ROC-ROC CORP., d/b/a BURGER TIME, and  
THE BORGIA FAMILY TRUST IV,

Defendants.

**ORDER**

21 Civ. 3121 (ER)

RAMOS, D.J.

On April 11, 2021, Alexander Gomez brought this action against Roc-Roc Corp., d/b/a Burger Time, and the Borgia Family Trust IV for violation of the Americans with Disabilities Act and related claims. Doc. 1. The Borgia Family Trust IV and Roc-Roc Corp. were served on April 19 and April 20, 2021, respectively. Docs. 8, 9. Their answers were therefore required to be filed by May 10 and May 11, 2021, respectively. To date, Defendants have neither answered nor otherwise appeared in this action.

On December 10, 2021, because Defendants had not appeared and no proof of service had been filed, the Court ordered Gomez to submit a status report and warned of dismissal under Fed. R. Civ. P. 4(m). On December 17, 2021, Gomez filed proof of service, and on December 24, 2021, he submitted a status report. Doc. 10. In the status report, Gomez indicated that he intended to commence default proceedings should Defendants fail to respond or communicate with his counsel by January 23, 2022. *See id.* To date, Gomez has not done so.

Gomez is therefore directed to submit a further status report by **February 16, 2022.** Failure to comply with Court orders may result in sanctions, including dismissal for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

It is SO ORDERED.

Dated: February 9, 2022  
New York, New York



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Edgardo Ramos, U.S.D.J.